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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TIMOTHY M. YOUNG, STEVEN J. CAPRIOTTI,
STEVEN LUZESKI, and BARBARA E. OSDER

Appeal 2009-004941
Application 09/363,339
Technology Center 2600

Decided: March 15, 2010

Before MAHSHID D. SAADAT, CARLA M. KRIVAK,
and CARL W. WHITEHEAD, JR., *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a Final Rejection of claims 1-25, which constitute all of the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

STATEMENT OF THE CASE

Appellants' invention relates to a method of constructing a voice messaging system application for efficient, inexpensive customization by permitting a modular, base version of the voice messaging application to be customized (Spec. 4:26-31). Claim 1, which is illustrative of the invention, reads as follows:

> 1. A telephony-based messaging system application stored on a computer readable medium for use by a particular customer, comprising:
>
> a module comprising call flow functions, code and a customization list;
>
> wherein the customization list comprises a table with a list of names and a modifiable list of corresponding DTMF signal identifiers, whereby the particular customer is permitted to change the mapping between caller-entered DTMF signals and the corresponding actions taken by the messaging system by modifying the list of DTMF signal identifiers.

The Examiner relies on the following prior art in rejecting the claims:

Matthews	US 4,652,700	Mar. 24, 1987
Sattar	US 5,243,643	Sep. 7, 1993
Chencinski	US 5,355,406	Oct. 11, 1994
Weber	US 6,094,239	Jul. 25, 2000

Claims 1, 2, 8-15, 17, 18, and 20-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sattar.

Claims 3-5 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sattar and Matthews.

Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sattar, Matthews, and Weber.

Claims 16 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sattar and Chencinski.[1]

Rather than repeat the arguments here, we make reference to the Briefs and the Answer for the respective positions of Appellants and the Examiner.

ISSUE

Appellants argue that independent claims 1 and 17 are not anticipated by Sattar because Sattar does not teach or suggest mapping DTMF (digital tone multi frequency) signal identifiers to specific modules, as claimed (App. Br. 24). Instead, Sattar stores the DTMF signal mapping in the software listing of Appendix A where a listing of vectors is used to control caller interfaces to the voicemail system (*id.*).

Therefore, Appellants' contentions present the following issue:

Under 35 U.S.C. § 102(b), does Sattar teach or suggest changing the mapping between caller-entered DTMF signals and the corresponding actions taken by the system by modifying the list of DTMF signal identifiers, as recited in claim 1?

FINDINGS OF FACT

1. Appellants' Specification defines call flows as the logical flow of the application interface to the caller, whereas functions represent the software building blocks used to implement the desired call flow functionality. (Spec. 7:3-9.)

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[1] The final rejection of claims 1 and 17 under 35 U.S.C. § 102(b) as being anticipated by Juster (US Patent No. US 5,724,406, issued Mar. 3, 1998) has been withdrawn in the Examiner's Answer. *See* Ans. 3 and 9.

2. Sattar discloses a telecommunications system where, as depicted in Figure 1, the user activates the vector protocol stored on the relational database 60 while the interface 50 translates the user command into standard query recognizable by the computer as it communicates with the database 60. (Abstract; col. 9, ll. 14-27.)

3. Sattar provides system functions related to voice transaction events at a handset, such as recording or playing the voice messages, and prompting the user to either activate another vector or end his/her communications with the system. (Col. 9, ll. 52-61.)

4. Sattar further discloses that the Application State Logic Table (AST) is compiled, rather than used in the source code, based on the stored vectors. The vectors comprise a number of routines such as "play a message" or "record a message," etc. (Col. 11, l. 66 – col. 12, l. 10.)

5. As shown in Figure 3 of Sattar, the runtime executive (RTX) block 460 provides the main control processes for voice processing by executing instructions stored in an AST block 470. (Col. 14, l. 52 - col. 15, l. 1.)

6. Sattar discloses that the AST information is generated by a 4GL application editor (APE) which allows application developers to arrange the required vectors to formulate the applications desired by the customer or by a GUI application editor (APEX) which is a formatted interactive development program. (Col. 15, ll. 1-13.)

PRINCIPLES OF LAW

A rejection for anticipation requires that the four corners of a single prior art document describe every element of the claimed invention, either

expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation. *See Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1347 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1478-79 (Fed. Cir. 1994).

ANALYSIS

The Examiner found that the claimed call flow functions are computer codes stored in a standard module, which is consistent with Appellants' Specification describing a module as a standard module (Ans. 10). In particular, the Examiner relied on page 17 of Appellants' Specification stating that a module for a specific customer is a standard module "compiled" with the appropriate customization list to conclude that Appellants' "call flow functions" are the same as "functions" (*id.*).

Appellants contend that the DTMF signal mapping in Sattar is stored in the software listing shown in Appendix A of Sattar where a listing of vectors are used to control caller interfaces to the voicemail system (App. Br. 24). Appellants assert that this approach is different from the claimed invention where the DTMF signal identifiers are mapped to specific modules, each with a specific function, and remapping DTMF signals only needs modifying the Customization List (*id.*).

After reviewing Sattar, we agree with Appellants' position that this reference does not teach or suggest changing the mapping between caller-entered DTMF signals and the corresponding actions taken by the system by modifying the list of DTMF signal identifiers, as recited in claim 1. As pointed out by Appellants (Reply Br. 5), Sattar uses vectors as software programs for communicating the user's commands to the database (FF 2)

and providing functions such as recording or playing voice messages as well as prompting the user (FF 3). Therefore, we agree with Appellants (Reply Br. 5) that the claimed call flow functions define the logical flow of functions in the messaging application and are not the same as the vectors in Sattar (FF 1 and 3).

Additionally, we disagree with the Examiner's characterization of the claimed call flow functions as computer codes or that the customization list may include functions (Ans. 10). As argued by Appellants (Reply Br. 6-7), the vectors listed in Appendix A of Sattar provide no mapping between the caller-entered DTMF signals and the corresponding actions taken by the system since the DTMF signals hardcoded in the vectors of Sattar can not be modified without substantial changes to the call flows (*See* FF 4-6).

We also disagree with the Examiner's position (Ans. 11) that, because the claims do not require that the DTMF values of the customization list be stored separately from the call flow functions or the customization list is not hardcoded, the vectors list of Sattar meets the claimed change in DTMF mapping by modifying the list of DTMF signal identifiers. Even if the DTMF values and the call flow functions are stored together, the claimed requirement that "the particular customer is permitted to change the mapping between caller-entered DTMF signals and the corresponding actions taken by the messaging system by modifying the list of DTMF signal identifiers" requires control over both the mapping between the DTMF signals and the corresponding actions. *See* claim 1. As discussed above, the Examiner has not adequately explained how the vectors listed in Appendix A of Sattar meet the claimed customization list allowing the user to modify the DTMF mapping without changing the vectors.

CONCLUSION

On the record before us, we find that Sattar does not teach or suggest changing the mapping between caller-entered DTMF signals and the corresponding actions taken by the system by modifying the list of DTMF signal identifiers, as recited in claim 1. Therefore, in view of our analysis above, the 35 U.S.C. § 102 rejection of claims 1, 2, 8-15, 17, 18, and 20-24 as anticipated by Sattar cannot be sustained. Additionally, we do not sustain the 35 U.S.C. § 103 rejection of claims 3-7, 16, 19, and 25 over Sattar in view of Matthews, Weber, or Chencinski as the Examiner has not identified any teachings in these references to cure the deficiency of Sattar.

ORDER

The decision of the Examiner rejecting claims 1-25 is reversed.

REVERSED

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